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STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

Note by the Secretariat

Addendum

Contribution on the African Commission on Human and Peoples' Rights

The attention of the Preparatory Committee is drawn to the attached contribution submitted by Mr. Isaac Nguéma, former Chairman of the African Commission on Human and Peoples' Rights. The memorandum explains the organization and functioning of the Commission, describes its tasks of promoting and protecting human and peoples' rights and interpreting the African Charter on Human and Peoples' Rights, explains the procedure followed before the Commission and finally gives a detailed review of the activities of that regional body.

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A. AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

Organization, tasks, procedure and activities

by

Isaac Nguéma

Former Chairman of the African Commission on Human and Peoples' Rights

Introduction

1. With the task of ensuring the promotion and protection of human and peoples' rights in Africa, the African Commission on Human and Peoples' Rights was established by the African Charter on Human and Peoples' Rights adopted in 1981 in Nairobi by the Assembly of Heads of State and Government of the Organization of African Unity and entering into force on 21 October 1986. To date all the member States of the Organization of African Unity with the exception of Ethiopia and Swaziland have ratified it or acceded to the Charter.

2. Part I of the Charter defines the recognized and guaranteed rights and duties; Part II deals with measures of safeguard and in particular the African Commission on Human and Peoples' Rights, which, together with the OAU Assembly of Heads of State and Government is one of its supervisory bodies.

3. The Commission was established on 2 November 1987 in Addis Ababa, the headquarters of the OAU, and the first election of its members took place on 29 July 1987. Since that date it has held two ordinary sessions per year (each lasting 15 days, a duration recently reduced to 10 days by the OAU Assembly of Heads of State and Government and held in Banjul, the Commission's headquarters, or in other African capitals at the invitation of Governments). Thus, sessions have been held in:

- Addis Ababa on 2 November 1987 (first session),
- Dakar from 8 to 13 February 1988 (second session),
- Libreville from 18 to 28 April 1988 (third session),
- Cairo from 17 to 27 October 1988 (fourth session),
- Benghazi from 3 to 14 April 1989 (fifth session),
- Lagos from 18 to 25 March 1991 (ninth session),
- Tunis from 2 to 9 March 1992 (eleventh session).

In all, in its five years of existence the Commission has held 12 ordinary and two extraordinary sessions.

A. Organization and functioning of the Commission

4. The African Commission on Human and Peoples' Rights is composed of 11 members elected by secret ballot for a period of six years, membership being renewable, by the OAU Assembly of Heads of State and Government from a list of candidates submitted by the States Parties to the Charter and selected among African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights.

5. The members of the Commission serve in an individual capacity (they are in no way representatives of a State) and on a personal basis (they cannot designate anyone else) to represent them. They are totally independent. The cost of the emoluments and allowances paid to them is borne by the budget of the Organization of African Unity. In discharging their duties they enjoy the diplomatic privileges and immunities provided for in the General Convention on the Privileges and Immunities of the OAU. The Commission, which lays down its own rules of procedure, elects its Chairman and Vice-Chairman for a period of two years. They are eligible for re-election.

6. Although not itself a permanent body, the Commission is assisted in its work by a permanent secretariat, the head of which is appointed by the Secretary-General of the Organization of African Unity. That OAU also provides the staff, the resources and the services needed by the Commission for the effective discharge of its functions. Thus after temporarily appointing as Secretary of the Commission the head of the legal division of the Organization of African Unity on 2 February 1989 the Secretary-General appointed a titular secretary who has been assisted since August 1992 by a Legal Counsel.

7. The amounts allocated to the Commission by the Secretary-General of OAU have been:

- US$ 150,000 in 1988-1989;
- US$ 742,163 in 1989-1990;
- US$ 520,736.76 in 1990-1991;
- US$ 467,980 in 1991-1992;
- US$ 501,881 in 1992-1993.

The largest sum allocated was therefore in 1989-1990.

8. The working languages are those of the OAU (Arabic, English, French). Working sessions may be public or private. The Commission may invite States, national liberation movements and specialized institutions to take part in its public sessions, which may also be attended by non-governmental organizations with observer status. The agenda is concerned, inter alia, with consideration of complaints and periodic reports drawn up by States on legislative or other

measures taken to give effect to the rights and liberties recognized and guaranteed by the Charter, together with study of activities to promote human and peoples' rights and finally items that may be proposed by the various entities called upon to participate in the Commission's work, especially non-governmental organizations.

B. The Commission's functions

9. In addition to carrying out any other tasks that may be entrusted to it by the OAU Assembly of Heads of State and Government, the Commission has three main tasks:

(a) to promote human and peoples' rights;

(b) to ensure the protection of human and peoples' rights; and

(c) to interpret the African Charter on Human and Peoples' Rights.

1. Promotion

10. As part of its task of promoting human and peoples' rights the Commission has the duty in particular:

(a) to collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights, and, should the case arise, give its views or make recommendations to Governments; this function thus comprises research, documentation, information, publication, advisory services and the fostering of awareness;

(b) to formulate and lay down principles and rules, aimed at solving legal problems relating to human and peoples' rights and enjoyment of the fundamental freedoms, upon which African Governments may base their legislation: this is a quasi-legislative function which gives the Commission the right to propose and not merely to advise;

(c) to cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights: this is a cooperative and collaborative function.

2. Protection

11. As part of its protective mission, the Commission has the task in case of violations of ensuring the protection of human and peoples' rights under the conditions and according to the rules of procedure laid down by the Commission's Charter and rules of procedure. Moreover, it reviews the periodic reports drawn up by States on legislative or other measures taken to give effect to the recognized and guaranteed rights and liberties laid down in the African Charter: this is its monitoring and supervisory function.

3. Interpretation

12. As part of its function of interpreting the African Charter on Human and People's Rights, the Commission has the task of interpreting any provision of that Charter at the request of a State Party, an institution of the Organization of African Unity or an African organization recognized by the Organization of African Unity.

C. Procedure before the Commission

13. The procedure followed before the Commission is aimed at ensuring protection of human and peoples' rights in cases of violation and is largely described in the Charter itself. It was, however, supplemented and treated in more detail in the rules of procedure adopted by the Commission at its second session in Dakar in 1988. The procedure to be followed is of an eminently confidential nature. To set it in motion costs nothing: the procedure is free of charge. The services of a lawyer (although advised) are not necessary.

14. The procedure differs according to whether the violations of human and peoples' rights are serious or massive violations or not. If they are, special rules must be followed; if they are not, ordinary procedure, under ordinary law, is applied.

1. Procedure under ordinary law

15. The rules vary according to whether the applicant is or not a State Party to the Charter. In both cases, however, the ordinary procedure complies with some of the same rules.

(a) Rules connected with the nature of the applicant

(i) Case in which the complainant is a State Party to the Charter

16. If a State Party to the Charter has good reason to believe that another State also Party to the Charter has violated the Charter's provisions, it may either refer the matter direct to the Commission or content itself with a negotiated settlement, in this latter case by obtaining from the other State explanations or declarations that it finds satisfactory.

17. Otherwise within three months from the date of receipt of the original communication by the State to which it was addressed, both States have the right to submit to the Commission a complaint which is brought to the attention of the Commission's Chairman, the Secretary-General of the Organization of African Unity and the other State concerned.

(ii) Case in which the complainant is not a State Party to the Charter

18. If the complaint comes from a source other than a State Party to the Charter (a physical or moral, private or public, African or international entity), it will be referred to the Commission if the majority of its members so request. In that event the Commission will take a decision as to whether the case may properly be referred to it.

19. Moreover, the Commission is not empowered to consider the case in detail until it has made sure that the conditions for its admissibility have been fulfilled, and particularly that the subject of the application is connected with one of the guaranteed rights, etc. On this occasion it will issue a ruling on its admissibility.

(b) Common rules

20. Whether the complaint comes or not from a State Party to the Charter, the Commission can only take full cognizance of a matter once it has made sure that all local remedies that exist have been exhausted, unless it is obvious to the Commission that the procedures for applying those remedies are taking an unduly long time.

21. Whatever the case, after preliminary study carried out by a member acting as rapporteur, the Commission may invite the Government to draw up its comments in writing to which the complainant may reply. The Commission may also ask the Government complaining or the Government complained of for factual information on the circumstances of the matter.

22. In any event, the Commission, after thorough study of the complaint and exhaustion of all the ways of reaching an amicable settlement will submit to the OAU Assembly of Heads of State and Government, for its final decision, a report setting forth the facts and the conclusions it has reached, together with appropriate recommendations: the Commission has no judicial authority of its own.

2. Emergency procedure

(a) Case in which the OAU Assembly of Heads of State and Government is in session

23. If it appears following discussions in the Commission that one or more communications describe special situations which seem to reveal the existence of a set of serious or massive violations of human and peoples' rights, the Commission will draw the Assembly's attention to those situations.

24. The OAU Assembly of Heads of State and Government may then ask the Commission to carry out a thorough study of the situations and to submit to it a well-documented report accompanied by conclusions and recommendations.

(b) Case in which the OAU Assembly of Heads of State and Government is not in session

25. In the case of an emergency duly established by the Commission following revelations of the existence of serious or massive violations of human and peoples' rights, the Commission will lay the matter before the Chairman of the Organization of African Unity. The Chairman may ask the Commission to carry out a thorough study and submit to him a well-documented report on the matter containing its conclusions and recommendations.

D. Activities of the Commission

26. The range of activities undertaken by the Commission since its establishment on 2 November 1987 is reflected in each of the annual reports on its activities that it has to submit to the OAU Assembly of Heads of State and Government for consideration at each of its ordinary sessions.

27. The three first annual reports were published by the Commission in 1992 in the first issue of the "Documentation" series. The fourth annual report was published in October 1991 in the first issue of the Commission's Review. All these publications are available from the Commission's secretariat.

28. The nature of the Commission's activities is naturally based on implementation of the tasks entrusted to it.

1. Promotion

29. Promotional activities are carried out along four main lines, corresponding to the principal functions that may be deduced from a reading of the Charter.

(a) Symposia, seminars, workshops and conferences

30. Activities in this domain consist both in organizing conferences, symposia etc., and in taking part in conferences or symposia.

(i) Organization of symposia, seminars, workshops and conferences

31. With financial help from various sources the Commission organizes either or on its own initiative or in cooperation with others a large number of seminars for promoting human rights in Africa. Thus, with financial help from the Raoul Wallenberg Institute in Sweden, it recently held a seminar at Banjul from 26 to 30 October 1992 on the introduction and application of the African Charter on Human and Peoples' Rights in the African States.

32. It has also organized in cooperation:

(a) with the United Nations Centre for Human Rights, a training course on devising strategies and national mechanisms for the promotion and protection of human rights in Africa, held at Banjul from 24 to 30 April 1989, and a seminar on human rights and the administration of justice, held in Cairo from 8 to 12 July 1991;

(b) with UNESCO, a workshop on human rights in post-apartheid South Africa, held in Banjul from 18 to 21 June 1991;

(c) with the Agency for Cultural and Technical Cooperation (ACCT) and the Association sénégalaise d'études et de recherches juridiques (ASERJ), a seminar held in Dakar from 3 to 5 December 1990 on the practice of the African Commission on Human and Peoples' Rights and the precedents set by the courts;

(d) with the African International Law Association, a seminar in Banjul from 13 to 17 November 1989 on the judiciary and human rights in Africa;

(e) with the International Organization of Journalists the Union of African Journalists and the Association of Tunisian Journalists, a symposium in Tunis from 30 October to 1 November 1992 on the role of African journalists and human rights.

33. During its eleventh session, the Commission decided to carry out a programme of seminars and conferences, which it intends to organize on its own or in cooperation with other international organizations. Plans have thus been made for:

(a) a seminar on the status of women in the light of the African Charter and the requirements for economic and social development in Africa;

(b) a seminar on the right to appeal, to a fair trial and to legal assistance;

(c) a seminar on the situation of refugees and displaced persons in Africa;

(d) a seminar on post-apartheid South Africa;

(e) a seminar on peoples' participation and informal education.

(ii) Participation in symposia, seminars, workshops and conferences

34. The members of the Commission, at the request of the Commission itself in response to invitations it has received or on their own initiative when they have received direct invitations or in accordance with established programmes, take part in numerous international meetings dealing with subjects connected with human rights. Thus, during the period 1989-1992 the author of this paper participated in the meetings listed below.

35. 1989:

(a) an international symposium held in Dakar from 29 to 31 May 1989 by the Senegalese Human Rights Organization and the Agency for Cultural and Technical Cooperation on culture and human rights in French-speaking areas;

(b) an international congress organized by the Organization of African Unity and UNESCO in Yamoussoukro, from 26 June to 1 July 1989, on peace in the mind of man;

(c) an international consultation held in Geneva from 26 to 28 July 1989 by the United Nations Centre for Human Rights and the World Health Organization on AIDS and human rights;

(d) an international meeting held in Porto Novo (Benin), from 31 August to 3 September 1989, by the World Social Prospects Association (AMPS), the Organization of African Unity and the Council of Europe on interdependence and North-South solidarity;

(e) an international symposium organized in Lyon from 20 to 23 September 1989 by the International Federation of Catholic Universities on Christian culture and human rights;

(f) a symposium on human rights in Africa organized in Ottawa on 30 September 1989 by the African-Canadian Council;

(g) a symposium organized on 2 and 3 October 1989 by the Faculty of Law and Economic Sciences in Limoges, on human rights and the area covered by French legal systems;

(h) a symposium on human rights in Burundi, organized in Bujumbura from 7 to 12 October 1989 by the University of Burundi;

(i) an international meeting of experts concerned with further reflection on the concept of the rights of peoples, held in Paris from 27 to 30 November 1989;

(j) a symposium on the bicentenary of the French Revolution organized in Libreville from 12 to 14 December 1989 by the Omar-Bongo University.

36. 1990:

(a) a meeting organized by UNESCO from 8 to 10 January 1990 at San José in Costa Rica, between the members of the African Commission on Human and Peoples' Rights and members of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights;

(b) an international seminar organized in Bangui, from 22 to 26 January 1990, by the International Centre for the Respect and Application of the African Charter on Human and Peoples' Rights on problems of information and education on human rights in the rural environment;

(c) a Workshop organized in Arusha (Tanzania), from 12 to 23 February 1990 by the United Nations under the auspices of the Untied Nations Regional Centre for Peace and Disarmament in Africa, in collaboration with the Tanzanian Government and its external affairs centre on the settlement of conflicts, the prevention and management of crises, and the strengthening of trust between the African States;

(d) a national conference organized in Libreville, from 23 March to 21 April 1990, by the Government of Gabon on democracy and the multiparty system.

37. 1991:

(a) a symposium from 11 to 15 March 1991 at San Remo (Italy), organized by the Centre for Human Rights in Geneva and the International Institute of Humanitarian Law of San Remo;

(b) a symposium in Dakar from 25 to 26 March 1991 organized by the Strasbourg Conference on Parliamentary Democracy and the National Assembly of Senegal on democracy and development in Africa: the experience of the ACP countries;

(c) a training seminar in Banjul, from 8 to 12 May 1991, for senior judges in the supreme courts of Benin, Cameroon, Gabon, Guinea and Togo by the African Centre for Democracy and Human Rights Studies;

(d) a symposium from 30 May to 2 June 1991 organized in the Nordic countries (Denmark, Norway, Sweden) by the Council of Europe and the Raoul Wallenberg Institute on the Council of Europe's Convention on Human Rights;

(e) a symposium in New York from 24 to 26 June 1991 on the African Charter on Human and Peoples' Rights organized by the Fund for Peace and the Congressional Foundation on Human Rights;

(f) a teaching mission from 1 to 6 July 1991 at the International Institute of Human Rights in Strasbourg;

(g) a seminar from 7 to 11 September 1991 in Nairobi, organized by the International Association for the Defence of Religious Liberty and the International Association for Religious Freedom on "Religious freedom in Africa";

(h) a symposium from 11 to 14 September 1991 in Cotonou organized by the Agency for Cultural and Technical Cooperation on "The rule of law in the French-speaking countries";

(i) a symposium in Dakar from 24 October to 18 November 1991 organized by the Senegal Human Rights Organization on "The African experience of democracy";

(j) a meeting in Geneva on 27 and 28 November 1991 organized by SOS Torture and the International Commission of Jurists on the study of the additional protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, envisaging in particular, the establishment of a preventive committee;

(k) a symposium in Paris from 12 to 15 December 1991 organized by Paris I University on "Africa in transition towards political pluralism".

38. 1992:

(a) conference and discussion at the Père Brottier International Holy Spirit Seminary on 2 April 1992 at Libreville;

(b) international symposium from 22 to 24 April 1992 in Lisbon organized by the Council of Europe's North-South Centre on "Democracy and human rights";

(c) the third Afro-American-European Conference organized from 15 to 19 June 1992 in Strasbourg by the Friedrich Naumann Foundation in collaboration with the Hermann and Marianne Straniak Foundation and the European Commission of Human Rights on regional systems for protecting human rights in Africa, America and Europe;

(d) training and further training seminar on human rights from 2 to 9 July 1992 at the Bordeaux International School organized by the Agency for Cultural and Technical Cooperation.

(e) Second World Congress on Violence and Human Coexistence organized in Montreal from 12 to 17 July 1992 by the International Association for Scientific Exchange on Violence and Human Coexistence (ASEVICO);

(f) Congress of the Chad Human Rights League held in Ndjamena from 21 to 26 July 1992 on "Human rights in Africa";

(g) First African Meeting from 2 to 6 September 1992, held in Cotonou by the International Federation of the Action of Christians for the Abolition of Torture (IFACAT);

(h) Meeting in Paris on 16 and 17 September 1992 of the international jury for the award of the UNESCO prize for human rights teaching;

(i) international workshop held in Libreville from 23 to 26 September 1992 by UNESCO with the cooperation of the International Centre for Bantu Civilizations on "Dissemination of the results of research on the cultural aspects of environmental protection";

(j) Twenty-second Congress of the Institut international de droit d'expression Française held from 5 to 10 October 1992 in Montreal on "Protection of the child".

(b) Publications and documentation

(i) Publications

39. The Commission has published:

(a) the first issue of its Review, October 1991. This contains theoretical articles together with some documentation (including the annual report on its work and the text of the African Charter on Human and Peoples' Rights.

(b) the first issue in the series "Documentation", August 1992; this contains the first, second and third annual reports on the Commission's activities together with the texts of the African Charter on Human and Peoples' Rights and the Commission's rules of procedure.

40. The material for the second issue of the Commission's Review and material for a presentation booklet on the Commission have been with the publishers for six months waiting for the necessary funds.

(ii) Documentation

41. With the cooperation of certain international organizations in July 1992 the Commission installed in its headquarters at Banjul the first basic elements of a documentation centre, the creation of which is listed as a priority objective of the Commission's action programme adopted in 1988. Thus, data-processing equipment has been installed, a documentalist has been recruited, a certain number of databases have been established to meet the Commission's needs and during its twelfth session at Banjul from 12 to 21 October 1992 the Commission adopted an outline policy for document acquisition for the Centre. The implementation of this programme depends on the mobilization and availability for the Commission of financial resources and staff.

(c) Recommendations and resolutions

42. Since its establishment on 2 November 1987 the Commission has adopted several resolutions and put forward several draft recommendations for adoption by the OAU Assembly of Heads of State and Government. The main documents are concerned in particular with:

(a) adoption of the Commission's rules of procedure;

(b) an invitation to States which have not yet done so to ratify or accede to the African Charter on Human and Peoples' Rights;

(c) an invitation to States to incorporate the Charter in their domestic legal regulations or to introduce its provisions in their legislation;

(d) an invitation to States to arrange for periodic radio and television broadcasts on human rights;

(e) an invitation to States to introduce human rights as a subject in the primary, secondary and higher education syllabuses and in technical and professional teaching programmes;

(f) an invitation to States to promote the establishment of national or subregional institutes for research on human rights;

(g) the institution of an African Day of Human and Peoples' Rights and an invitation to States to celebrate it on 21 October every year;

(h) granting the Commission the authority to examine periodic reports and give States Parties to the Charter guidelines on their form and content;

(i) an invitation to States who have not yet submitted their initial reports to do so as soon as possible;

(j) a proposal to the OAU Assembly of Heads of State and Government to establish the Commission's headquarters formally;

(k) an invitation to States to ensure the exercise of the right to appeal, to a fair trial and to legal assistance guaranteed by article 7 of the Charter;

(l) an invitation to States to give effect to the right of freedom of association guaranteed by article 10 of the Charter.

(d) Cooperation

43. The Commission has made every effort since its establishment to integrate itself with and play a role in the vast network of institutions and organizations whose fields of activity include human rights. It has striven to obtain recognition of its vocation from world and regional institutions and organizations alike.

44. Naturally it was with the United Nations that its first relationships were established and cooperation programmes agreed. In addition to the organization of seminars or workshops that the Commission sponsors together with the United Nations Centre for Human Rights in Geneva, the Commission has been granted considerable financial assistance and has the benefit of a programme of advisory services and technical assistance services. Similar cooperative programmes are in operation with the UNESCO Division of Human Rights and Peace. Cooperative relationships have been established with the International Labour Standards and Human Rights Department of the International Labour Organisation and with the Office of the High Commissioner for Refugees.

45. At regional level the Commission receives resources from the European Economic Community (through the ACP/EEC Foundation for Cultural Cooperation), the Agency for Cultural and Technical Cooperation and the Council of Europe (thanks in particular to programmes of cooperation with the European Commission of Human Rights and the European Court of Human Rights and the International Institute of Human Rights in Strasbourg), the Commission of the Inter-American Commission on Human Rights, the Inter-American Court on Human Rights and the Inter-American Human Rights Institute.

46. Finally, the Commission receives financial aid from some Governments, such as the Swedish Government (through the Raoul Wallenberg Institute) and the Danish Government (through the Danish International Development Agency - DANIDA).

47. The Commission has also striven to obtain the assistance and logistic support of non-governmental organizations, granting those who asked for it observer status at the Commission's meetings. Observer status was first granted at the Commission's third session at Libreville from 18 to 28 April 1988. By the time the twelfth session was held in Banjul from 12 to 21 October 1992 the number of organizations with observer status had risen to about 70. The Commission makes sure that every organization presents a report at least every two years on the activities it has undertaken in connection with the Commission's terms of reference.

2. Protective activities

(a) Consideration of complaints

48. Information on the activities carried out by the Commission in considering complaints should throw light on:

(a) the total number of complaints that have been recorded by the Commission since its establishment (to which must be added those that had reached the General Secretariat of the OAU before the Commission), was established or even before its first members were elected, with precise information on:

(i) the nature of the complainants (States Party to the Charter or not);

(ii) the number of complaints the Commission had decided had properly been referred to it;

(iii) the number of complaints which had been decided to be admissible or inadmissible;

(iv) the number of complaints on which a report had been transmitted after the completion of the preliminary examination to the OAU Assembly of Heads of State and Government; and

(v) the number of complaints that had been settled by mutual agreement.

(b) the nature of the procedure launched (ordinary and emergency procedure);

(c) the number and nature of cases submitted to the Commission (civil or penal);

(d) the number and nature of decisions taken by the OAU Assembly of Heads of State and Government (condemnation or not).

49. According to the information the Commission's Secretariat was able to supply when the twelfth session began, the following comments may be made:

(a) the total number of old or new complaints recorded is 36;

(b) no complaint has been lodged by a State Party to the Charter;

(c) no procedure has been the subject of a report transmitted by the Commission for decision to the OAU Assembly of Heads of State and Government;

(d) no decision has been taken by the OAU Assembly of Heads of State and Government following complaints submitted to the Commission concerning violations of human rights;

(e) no emergency procedure resulting from serious or massive violations has been followed up by the Chairman of the OAU;

(f) of the 30 communications still pending at the time of the twelfth session none had received a reply from the States implicated.

50. As is commonly observed in other regions of the world, States show particularly strong resistance to the movement for the invigoration and liberation of individuals and peoples once supervisory organs have been established.

(b) Consideration of the periodical reports

51. After being authorized by the OAU Assembly of Heads of State and Government to draw up and transmit to the States Parties to the Charter guidelines on the form and content of periodic reports and having entrusted by that same body with the task of reviewing those reports (all matters on which the Charter is silent), the Commission at first confined itself, once the guidelines had been drafted and bearing in mind the specificity of the problems arising in the African countries, to asking States to submit initial reports on the basic aspects of their legislation (organization of the public authorities according to the Constitution or the legal text taking the place of a Constitution, organization of the judicial system, status of judges, Supreme Court and Bar). In so doing, the Commission decided to defer to a later date consideration of periodic reports on the application of the legislative or other measures taken to give effect to the rights and freedoms recognized and guaranteed by the Charter.

52. Within the limits of the guidelines laid down, the Commission had received by the time of its twelfth session, held from 12 to 21 October 1992 in Banjul, reports from Cape Verde, Egypt, Gambia, the Libyan Arab Jamahiriya, Nigeria, Rwanda, Senegal, Tanzania, Togo, Tunisia and Zimbabwe. Under the circumstances the Commission feels obliged to make periodic appeals to those States which have not yet done so to submit their reports as soon as possible. There again States have proved to be just as reluctant.

3. Other activities

53. The African Commission on Human and Peoples' Rights was invited by the Government of Mali to send some of its members as international observers to supervise the holding of the presidential elections in Mali in April 1992. This task was carried out with commitment and enthusiasm. The Commission hopes that several governments in Africa follow the example of Mali.

Conclusion

54. In conclusion and after considering the activities carried out by the Commission in the light of the tasks entrusted to it, comments are bound to arise on the imbalance between the drive and enthusiasm observed in the conduct of promotional activities and the reluctance displayed in regard to protective activities. The Commission's future must depend on the one hand on an increase in the resources allocated to its supervisory body and on the other on the liberalization and democratization of societies and regimes, or, to put it bluntly, on the evolution of Africa and its integration in the world.